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PATENT APPLICATION  
Attorney's Docket No.: 2657.2006-001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chaitanya Kanojia and Terri Swartz  
Application No.: 09/873,785 Group: 2623  
Filed: June 4, 2001 Examiner: Bui, Kieu Oanh T.  
Confirmation No: 2842  
For: PROMOTIONS ON VIEWING DEVICES

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REPLY BRIEF

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is being filed in response to the Examiner's Answer mailed from the U.S. Patent and Trademark Office on January 25, 2008 in the above-identified application.

I. STATUS OF CLAIMS

Claims 1-30, 32-63, and 65-71 are pending.

Claims 1-30, 32-63, and 65-71 stand rejected and the rejections of these claims are being appealed.

A copy of the appealed claims appears in the Claims Appendix of the Appeal Brief filed October 17, 2007.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Claims 1-30, 33-63, and 65-67 were rejected under 35 U.S.C. § 103 with the Examiner finding the claims to be obvious over U.S. Patent No. 6,177, 931 to Alexander et al. (hereinafter "Alexander") in view of U.S. Pub No. 2002/0010928 to Sahota ("Sahota") and U.S. Patent No. 6,615,039 to Eldering ("Eldering").

### III. ARGUMENT

Appellant maintains that the rejections should be reversed for the reasons stated in the Appeal Brief filed October 17, 2007. This Reply Brief addresses remarks that were presented in the Examiner's Answer dated January 25, 2008.

*Eldering's Multicast Messages are Not Individually Addressed.*

The Examiner states that Eldering's unicast technique for further addressing individual programming and individual advertisements directly to users/subscribers teaches Appellant's claim 1. Appellant respectfully disagrees.

Appellant's claim 1 recites in pertinent part:

receive a promotion and a transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device.

Clearly, Appellant's invention recited in claim 1 separates the process of targeting a promotion from the process of delivering the promotion. For example, in one disclosed embodiment, transmission schedules (scheduling information) are transmitted to each network device individually, using a messaging protocol for unicast transmission. *See* Specification, page 10, line 28 – page 11, line 5. In contrast, the promotions (content) are transmitted using a different messaging protocol, one capable of efficiently transmitting multicast and broadcast transmissions. *Id.*

Furthermore, Appellant's claimed invention specifies which individual condition activates a promotion for display at each individual network device. In this way, Appellant's claimed invention effectively targets promotions to specific individual network devices. *See* Specification, page 2, lines 22-26. For example, even if two network devices receive the same promotion, the promotion may be activated at each network device under different conditions.

Moreover, because a condition for activating a promotion is specified individually, a single condition occurring does not necessarily cause the promotion to activate for display at

more than one network device. Rather, multiple conditions cause the promotion to activate for display at multiple network devices. For example, even if two devices are watching two different programs (i.e., two different conditions), a promotion is nonetheless activated for display at both network devices. *See* Specification, page 11, lines 8-10.

In stark contrast, Eldering merely describes delivering an individual advertisement (along with an individual program) to an individual. *See* Eldering, column 1, lines 55-67. As such, Eldering couples together the process of targeting a promotion with the process of delivering the promotion. Eldering does not separate targeting the promotion from delivering the promotion as recited in Appellant's claim 1.

Furthermore, because Eldering simply delivers a targeted advertisement, the delivered advertisement is already targeted or otherwise individualized to a targeted individual. As such, in Eldering, there is no use for Appellant's transmission schedule, which is separate from a promotion, to further specify an individual condition for activating the promotion.

Appellant acknowledges that unicast is a well-known transmission technique. However, Appellant respectfully submits such a technique in the context of separating targeting a promotion from delivering the promotion and specifying individually a condition for activating the promotion, as claimed in Appellant's claim 1, is not well-known, and is patentable.

*Sahota Does Not Teach Control Data Carried in a Schedule Message to Activate a Promotion.*

The Examiner states Sahota's use of ATVEF triggers in programming streams teaches Appellant's control data in a transmission schedule for specifying a condition for activating the promotion for display in the display. Appellant respectfully disagrees.

Briefly, Appellant's claimed invention separates (a) the process of specifying a condition for activating a promotion from (b) the process of actually activating that promotion. *See* Specification, page 7, line 8-page 8, line 10, referring to FIG. 2 (In a process labeled 3, a transmission schedule specifies when and how a promotion is to be received. In a separate process labeled 7, a promotion is activated in a manner specified by the transmission schedule).

Appellant respectfully submits specifying a condition for activating the promotion in the claimed manner is consistent with example embodiments described in Appellant's Specification.

For example, a transmission schedule specifies receiving a first ATVEF trigger embedded in a first broadcast stream (or channel) and a second ATVEF trigger embedded in a second broadcast stream as a condition for activating a promotion. Because activating the promotion is conditioned on receiving the first and second ATVEF triggers, a viewer surfing from the first channel to the second channel activates the promotion, but not surfing from the first channel to a third channel. *See* Specification, page 8, line 3-10.

Appellant still maintains that Sahota's use of ATVEF triggers is not specifying a condition for activating a promotion. Even if Sahota did describe using ATVEF triggers in a TV broadcast in order to specify a condition for activating a promotion, Appellant respectfully submits Sahota does not teach specifying the promotion as a step that is separate from activating the promotion as recited in Appellant's claimed invention. For example, receiving a first ATVEF trigger with a URL of a first enhanced content and a second ATVEF trigger with a URL of a second enhanced content causes Sahota's device framework to combine a commercial with the first enhanced content and then to combine the commercial with the second enhanced content. *See* Sahota, paragraphs [0035]-[0036]; and *see also* paragraphs [0046]-[0048]. Because Sahota "specifies" the condition for combining the enhanced content together with the process of combining the enhanced content, Sahota is not capable of specifying a condition that requires a series of events to occur to cause the enhance content to be combined, which is a distinct advantage of Appellant's invention.

As such, Appellants respectfully submits, Sahota does not teach specifying a condition for activating a promotion, or at the very least specifying the condition separately from activating the promotion as claimed in claim 1.

Reconsideration of the teachings of Eldering and Sahota and reversal of all rejections of record is respectfully requested.

**CONCLUSION**

In view of the foregoing and the arguments presented in the Appeal Brief filed on October 17, 2007, reversal of the rejections is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

Registration No. 31,671

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

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